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10/801,400	03/15/2004	Yukikazu Mori	2271/60883-A	1661
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			<div>EXAMINER LEE, TOMMY D</div>	
			<div>ART UNIT 2625</div>	<div>PAPER NUMBER</div>
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/801,400	Applicant(s) MORI, YUKIKAZU	
	Examiner Thomas D. Lee	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007 and 15 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10, 12-14, 16-18, 21-29, 33-35, 40-53 and 56 is/are allowed.
- 6) ☒ Claim(s) 9, 11, 15, 19, 20, 30-32, 36-39, 54, 55, 57 and 58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 15, 2007 has been entered.

***Response to Amendment***

2. This Office action is responsive to Applicant's AMENDMENT UNDER 37 C.F.R. § 1.116 IN RESPONSE TO FEBRUARY 21, 2007 FINAL OFFICE ACTION, filed May 10, 2007. Claims 1-58 are pending.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 9, 15, 19, 20, 36-38, 55, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,618,749 (Saito et al., hereinafter Saito) in view of U.S. Patent 6,043,904 (Nickerson).

Regarding claim 9, Saito discloses a network facsimile device connected to an Internet or a local area network, employing an electronic mail function, and having a function of exchanging image information through said Internet or said local area network and functions of a facsimile device, comprising: delivery notifying partner

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storing means for detecting at a time of receiving electronic mail, whether the received electronic mail is an electronic delivery confirmation mail for confirming mail delivery (Internet facsimile and e-mail reception method (note title); delivery status notification mail recognition section judges whether or not received data contains any delivery status notification message (column 8, lines 7-16)).

Saito does not disclose delivery notifying partner storing means for storing a mail address of a destination address to which a confirmation is to be delivered, in combination with delivery confirmation mail processing means for confirming whether predetermined contents of said electronic delivery confirmation mail relating to a transferring error are contained in contents of said detected electronic delivery confirmation mail and for transferring said electronic delivery confirmation mail to the destination address stored in said delivery notifying partner storing means, when said predetermined contents relating to said transferring error are contained in said electronic delivery confirmation mail; and for visibly outputting the contents of said electronic delivery confirmation mail. However, Nickerson discloses a facsimile apparatus that is capable of providing remote confirmation of job completion (Fig. 7, step 110; Fig. 8, step 124), wherein destination addresses to which a confirmation is to be delivered are stored (Fig. 8, steps 130, 134) and delivery of confirmation mail to the destination addresses is performed (Fig. 7, step 114). Nickerson's facsimile apparatus is capable of printing a confirmation page locally (Fig. 7, step 112). Nickerson recognized that when a user is away from a transmission job originating station, he or she cannot immediately determine whether or not the transmission job was successfully

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completed, thereby causing delays in correcting potential faults in the transmission job (column 2, lines 15-35). It would have been obvious for one of ordinary skill in the art to modify the teaching of Saito, by providing delivery notifying partner storing means and delivery confirmation mail transferring means, such as taught by Nickerson, so that potential faults in the transmission job can be corrected in a more timely fashion.

Regarding claim 15, Saito discloses a method of controlling a network facsimile device connected to the Internet or a local area network, employing a function of exchanging image information through said Internet or said local area network and functions of a facsimile device, comprising the steps of: detecting, at a time of receiving an electronic mail, whether said received electronic mail is an electronic delivery confirmation mail for confirming delivery of electronic mail (Internet facsimile and e-mail reception method (note title); delivery status notification mail recognition section judges whether or not received data contains any delivery status notification message (column 8, lines 7-16)); and confirming, when said received electronic mail is an electronic delivery confirmation mail, whether predetermined contents relating to a transferring error are contained in said electronic delivery confirmation mail (delivery status notification mail includes a delivery status notification message indicating that the data received is delivery status notification mail a(column 6, lines 14-24); delivery status notification mail identification section judges the received data (column 6, lines 25-30) and specific information extraction section extracts information on the success/failure of delivery (column 6, lines 31-38)).

Saito does not disclose storing a delivery notifying destination mail address, in combination with transferring said electronic delivery confirmation mail to said stored destination mail address, when said predetermined contents relating to said transferring error are contained in said contents of said electronic delivery confirmation mail.

However, as mentioned above with respect to claim 9, Nickerson discloses a facsimile apparatus that is capable of providing remote confirmation of job completion (Fig. 7, step 110; Fig. 8, step 124), wherein destination addresses to which a confirmation is to be delivered are stored (Fig. 8, steps 130, 134) and delivery of confirmation mail to the destination addresses is performed (Fig. 7, step 114). Nickerson's facsimile apparatus is capable of printing a confirmation page locally (Fig. 7, step 112). Nickerson recognized that when a user is away from a transmission job originating station, he or she cannot immediately determine whether or not the transmission job was successfully completed, thereby causing delays in correcting potential faults in the transmission job (column 2, lines 15-35). It would have been obvious for one of ordinary skill in the art to modify the teaching of Saito, by providing delivery notifying partner storing means and delivery confirmation mail transferring means, such as taught by Nickerson, so that potential faults in the transmission job can be corrected in a more timely fashion.

Claim 19 is a method claim corresponding to above apparatus claim 9, minus the limitation of transferring electronic delivery confirmation to the destination address when predetermined contents relating to said transferring error are contained in said electronic delivery confirmation mail. Claim 20 further does not recite a limitation for

storing a delivery notifying destination mail address. These claims are broader than above-rejected claim 9, and are thus rejected for the reasons set forth above.

Regarding claim 36, Saito discloses a network facsimile device connected to a network, comprising: mailer means for transmitting and/or receiving electronic mail through the network, the electronic mail being accompanied by a facsimile image representation (Internet facsimile and e-mail reception method (note title)); mail detecting means for determining whether a received mail is a delivery notification, upon reception of the received mail (delivery status notification mail recognition section judges whether or not received data contains any delivery status notification message (column 8, lines 7-16)); determining means for determining whether a received delivery notification contains error information which indicates an error occurrence (delivery status notification mail includes a delivery status notification message indicating that the data received is delivery status notification mail (column 6, lines 14-24); delivery status notification mail identification section judges the received data (column 6, lines 25-30) and specific information extraction section extracts information on the success/failure of delivery (column 6, lines 31-38)); and outputting means for visibly outputting the contents of a delivery notification when the determining means determines that the received delivery notification contains error information (information is output visibly as one page (column 6, lines 27-30; Figs. 7 and 8)).

While Saito discloses determination of received mail to be a delivery notification, Saito does not disclose memory means for storing a destination address to which a mail delivery notification is to be sent. However, as mentioned above regarding claim 9,

Nickerson discloses a facsimile apparatus that is capable of providing remote confirmation of job completion (Fig. 7, step 110; Fig. 8, step 124), wherein destination addresses to which a confirmation is to be delivered are stored (Fig. 8, steps 130, 134) and delivery of confirmation mail to the destination addresses is performed (Fig. 7, step 114). Nickerson's facsimile apparatus is capable of printing a confirmation page locally (Fig. 7, step 112). Nickerson recognized that when a user is away from a transmission job originating station, he or she cannot immediately determine whether or not the transmission job was successfully completed, thereby causing delays in correcting potential faults in the transmission job (column 2, lines 15-35). It would have been obvious for one of ordinary skill in the art to modify the teaching of Saito, by providing delivery notifying partner storing means and delivery confirmation mail transferring means, such as taught by Nickerson, so that potential faults in the transmission job can be corrected in a more timely fashion.

Claim 37 further recites mail transferring means for transferring the received delivery notification to the sender address. As mentioned above regarding claim 9, Nickerson discloses a facsimile apparatus that is capable of providing remote confirmation of job completion (Fig. 7, step 110; Fig. 8, step 124), wherein destination addresses to which a confirmation is to be delivered are stored (Fig. 8, steps 130, 134) and delivery of confirmation mail to the destination addresses is performed (Fig. 7, step 114). Obviously, any destination address capable of receiving electronic mail can be stored in the facsimile apparatus.



Claim 38 further recites setting means for making valid or invalid the transferring operation of said mail transferring means. Nickerson provides for local confirmation of the transmission job if remote confirmation is not invoked (Fig. 7, steps 110, 112). It would have been obvious for one of ordinary skill in the art to provide means for making valid or invalid the electronic transferring operation so that a user can immediately receive results of the transmission, whether locally or at a remote location.

Regarding claim 55, Saito discloses a network facsimile apparatus comprising: a mailer part configured to transmit and/or receive electronic mail through the network, the electronic mail being accompanied by a facsimile image representation (Internet facsimile and e-mail reception method (note title)); a detecting part configured to determine whether a received mail is a delivery notification, upon reception of the received mail (delivery status notification mail recognition section judges whether or not received data contains any delivery status notification message (column 8, lines 7-16)); a processing part configured to determine whether a received delivery notification contains error information which indicates an error occurrence (the delivery status notification mail includes a delivery status notification message indicating that the data received is delivery status notification mail (column 6, lines 14-24); the delivery status notification mail identification section judges the received data (column 6, lines 25-30) and specific information extraction section extracts information on the success/failure of delivery (column 6, lines 31-38)), and visibly output the contents of a delivery notification when said processing part determines that the received delivery notification contains

error information (information is output visibly as one page (column 6, lines 27-30; Figs. 7 and 8)).

While Saito discloses determination of received mail to be a delivery notification, Saito does not disclose a storage device configured to store a destination address to which a mail delivery notification is to be sent. However, as mentioned above regarding claim 9, Nickerson discloses a facsimile apparatus that is capable of providing remote confirmation of job completion (Fig. 7, step 110; Fig. 8, step 124), wherein destination addresses to which a confirmation is to be delivered are stored (Fig. 8, steps 130, 134) and delivery of confirmation mail to the destination addresses is performed (Fig. 7, step 114). Nickerson's facsimile apparatus is capable of printing a confirmation page locally (Fig. 7, step 112). Nickerson recognized that when a user is away from a transmission job originating station, he or she cannot immediately determine whether or not the transmission job was successfully completed, thereby causing delays in correcting potential faults in the transmission job (column 2, lines 15-35). It would have been obvious for one of ordinary skill in the art to modify the teaching of Saito, by providing delivery notifying partner storing means and delivery confirmation mail transferring means, such as taught by Nickerson, so that potential faults in the transmission job can be corrected in a more timely fashion.

Regarding claim 57, Saito discloses a network facsimile apparatus comprising: a detecting part configured to detect, at a time of receiving electronic mail, whether the received electronic mail is an electronic delivery confirmation mail for confirming mail delivery (Internet facsimile and e-mail reception method (note title); delivery status

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notification mail recognition section judges whether or not received data contains any delivery status notification message (column 8, lines 7-16)); and a processing part configured to determine whether said confirmation mail includes contents relating to a transferring error (delivery status notification mail in Saito includes a delivery status notification message indicating that the data received is delivery status notification mail (column 6, lines 14-24); delivery status notification mail identification section judges the received data (column 6, lines 25-30) and specific information extraction section extracts information on the success/failure of delivery (column 6, lines 31-38)).

While Saito discloses determination of received mail to be a delivery notification, Saito does not disclose memory means for storing a destination address to which a mail delivery notification is to be sent. However, as mentioned above regarding claim 9, Nickerson discloses a facsimile apparatus that is capable of providing remote confirmation of job completion (Fig. 7, step 110; Fig. 8, step 124), wherein destination addresses to which a confirmation is to be delivered are stored (Fig. 8, steps 130, 134) and delivery of confirmation mail to the destination addresses is performed (Fig. 7, step 114). Nickerson's facsimile apparatus is capable of printing a confirmation page locally (Fig. 7, step 112). Nickerson recognized that when a user is away from a transmission job originating station, he or she cannot immediately determine whether or not the transmission job was successfully completed, thereby causing delays in correcting potential faults in the transmission job (column 2, lines 15-35). It would have been obvious for one of ordinary skill in the art to modify the teaching of Saito, by providing delivery notifying partner storing means and delivery confirmation mail transferring

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means, such as taught by Nickerson, so that potential faults in the transmission job can be corrected in a more timely fashion.

Claim 58 further recites visibly outputting the contents of said electronic delivery confirmation mail. As mentioned above, Nickerson's facsimile apparatus is capable of printing a confirmation page locally (Fig. 7, step 112).

5. Claims 11 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of Nickerson as applied to claims 9 and 36 above, respectively, and further in view of U.S. Patent 5,134,501 (Satomi et al., hereinafter Satomi).

Claim 11 further recites first setting means for making valid or invalid said electronic mail transferring operation of said delivery confirmation mail processing means; and second setting means for making valid or invalid visible display of said electronic mail of said delivery confirmation mail processing means. Claim 39 similarly recites setting means for making valid or invalid the visible display of said delivery notification by said outputting means. Nickerson teaches the first setting means (local confirmation of the transmission job if remote confirmation is not invoked (Fig. 7, steps 110, 112)). The second setting means, while not disclosed by either Saito or Nickerson, is disclosed in Satomi (in response to depression of a predetermined function key, an error report is prepared only if a communication error takes place (column 3, line 58 – column 4, line 2; column 4, lines 29-41)). It would have been obvious for one of ordinary skill in the art to modify the combined teaching of Saito and Nickerson, by providing second setting means as disclosed by Satomi, so as to prevent a waste of

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recording paper for printing out an error report in the case where no errors are found in the transmission.

6. Claims 30-32 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of Nickerson and Satomi.

Claims 30 and 31 further recite determining means for determining whether a received delivery notification contains error information which indicates an error occurrence; and mail transferring means for transferring the received delivery notification according to the determination result of the determining means, wherein the mail transferring means transfers the received delivery notification to the destination address when the delivery notification contains error information. Claim 54 further recites a processing part configured to determine whether a received delivery notification contains error information which indicates an error occurrence, and transfer the received delivery notification according to the determination result. As mentioned above, the delivery status notification mail in Saito includes a delivery status notification message indicating that the data received is delivery status notification mail (column 6, lines 14-24). The delivery status notification mail identification section judges the received data (column 6, lines 25-30) and specific information extraction section extracts information on the success/failure of delivery (column 6, lines 31-38). Furthermore, as mentioned regarding claim 9, Nickerson discloses a facsimile apparatus that is capable of providing remote confirmation of job completion (Fig. 7, step-110; Fig. 8, step 124), wherein destination addresses to which a confirmation is to be delivered are stored (Fig. 8, steps 130, 134) and delivery of confirmation mail to the

destination addresses is performed (Fig. 7, step 114). Nickerson recognized that when a user is away from a transmission job originating station, he or she cannot immediately determine whether or not the transmission job was successfully completed, thereby causing delays in correcting potential faults in the transmission job (column 2, lines 15-35). It would have been obvious for one of ordinary skill in the art to modify the teaching of Saito, by providing delivery notifying partner storing means and delivery confirmation mail transferring means, such as taught by Nickerson, so that potential faults in the transmission job can be corrected in a more timely fashion.

The transfer of the received delivery notification in Nickerson does not appear to be based on a determination of whether an error has occurred. However, as mentioned above regarding claim 11, Saito discloses selective output of an error report based on whether a transmission error has occurred (in response to depression of a predetermined function key, an error report is prepared only if a communication error takes place (column 3, line 58 - column 4, line 2; column 4, lines 29-41)). In combination with Saito and Nickerson, this teaching would enable selective transfer of an error report to a remote location if a communication error occurs, and such combination would have been obvious to one of ordinary skill in the art, so as to prevent a waste of recording paper for printing out an error report in the case where no errors are found in the transmission.

Claim 32 further recites setting means for making valid or invalid said electronic mail transferring operation of said mail transferring means. As mentioned above, Nickerson provides for local confirmation of the transmission job if remote confirmation

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is not invoked (Fig. 7, steps 110, 112). It would have been obvious for one of ordinary skill in the art to provide means for making valid or invalid the electronic transferring operation so that a user can immediately receive results of the transmission, whether locally or at a remote location.

***Allowable Subject Matter***

7. Claims 1-8, 10, 12-14, 16-18, 21-29, 33-35, 40-53 and 56 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: As mentioned in the prior Office action, no prior art has been found to disclose or suggest "transferring said delivery confirmation mail confirmed by said confirming means to a mail address set in a From address field, when a mail address of a sender is set in said From address field of said delivery confirmation mail, and for transferring said delivery confirmation mail to the destination address, when the mail address of the sender individual is not set in said From address field of said electronic mail," as recited in base claim 2 and similarly recited in base claims 14, 22 and 40; or "transferring said electronic delivery confirmation mail to both said mail address set in said From address field of said electronic delivery confirmation mail and said destination address stored in said delivery notifying partner storing means when said delivery confirmation mail includes predetermined contents relating to said transferring error contained in said electronic delivery confirmation mail and when said mail address of the sender is set in the From address field of said electronic delivery confirmation mail; for transferring said electronic delivery confirmation mail to said destination address stored in said delivery notifying partner storing means when said delivery confirmation mail includes

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predetermined contents relating to said transferring error contained in said electronic delivery confirmation mail and when said mail address of the sender is not set in the From address field of said electronic mail; for transferring said electrical delivery confirming mail to said mail address set in said From address field of said electronic delivery confirmation mail when said predetermined contents relating to said transferring error not contained in said electronic delivery confirmation mail and when said mail address of the sender is set in the From address field of said electronic delivery confirmation mail; for transferring said electronic delivery confirmation to said destination address stored in said delivery notifying partner storing means when said predetermined contents relating to said transferring error are not contained in the contents of said electronic delivery confirmation mail and when said mail address of the sender individual is not set in the From address of said electronic delivery confirmation mail," as recited in base claim 4 and similarly recited in base claims 10, 16, 18, 42 and 44; or "confirming, when said received electronic mail is the electronic delivery confirmation mail for confirming the delivery, whether a mail address of a sender is set in a From address field of said electronic delivery confirmation mail; transferring said electronic delivery confirmation mail to said stored destination mail address, when mail address of the sender is not set in the From address field of said electronic delivery confirmation mail," as recited in base claim 17; or "determining means for determining whether a received delivery notification contains a sender address in a From address field; and mail transferring means for transferring the received delivery notification according to the determination result of the determining means," as recited in base



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claim 26 and similarly recited in base claim 46; or "first determining means for determining whether a received delivery notification contains a sender address in the From address field; second determining means for determining whether the received delivery notification contains error information which indicates an error occurrence; and mail transferring means for transferring the received delivery notification according to the determination result of the first and second determining means," as recited in base claim 33 and similarly recited in base claim 50.

No prior art has been found to disclose or suggest Applicant's "delivery confirmation mail transferring means for determining whether the delivery confirmation mail indicates successful mail delivery, and for transferring said delivery confirmation mail confirmed by said confirming means to said destination address stored in said delivery notifying partner storing means when the delivery confirmation mail indicates successful mail delivery," as recited in base claim 1 and as similarly recited in base claims 13, 21, 24, 53 and 56; or "delivery confirmation mail transferring means for determining whether said delivery confirmation mail includes contents relating to a transferring error and for transferring said electronic delivery confirmation mail to the destination address stored in said delivery notifying partner storing means, when the contents relating to the transferring error are not contained in the delivery confirmation mail," as recited in base claim 3 and as similarly recited in base claim 23.

***Response to Arguments***

9. Applicant's arguments filed in response to the rejections of claims 9, 15, 19-21, 30, 36, 54, 55, 57 and 58 as set forth in the prior Office action, have been fully considered but they are not persuasive.

Applicant has amended base claims 1, 3, 13, 21, 23, 24, 53 and 56 to recite allowable subject matter, as indicated above. Applicant states, on page 37 of the current amendment, that claims 9, 15, 19, 20, 30, 36, 54, 55, 57 and 58 are patentably distinct from the cited art for at least similar reasons. However, none of these claims were amended to recite the allowable subject matter. Since no other arguments were presented with regard to the non-amended claims, the rejections set forth in the prior Office action are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Thomas D Lee  
Primary Examiner  
Technology Division 2625

tdl  
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